



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 27444445

Date: SEPT. 12, 2023

Appeal of New York, New York District Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i).

The Director of the New York, New York District Office denied the application. The Director first noted that the record established that the Applicant was inadmissible to the United States under section 212(a)(6)(C)(ii) of the Act for falsely claiming U.S. citizenship in April 2001 and no waiver is available to her.<sup>1</sup> The Director then concluded that the Applicant had not established that a qualifying relative would suffer extreme hardship upon her removal from the United States. The matter is now before us on appeal. The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Section 212(a)(6)(C)(ii) of the Act, provides that a noncitizen who, on or after September 30, 1996, falsely represents to be a citizen of the United States for any purpose or benefit under the Act or any other Federal or State law is inadmissible. There is no waiver for this ground of inadmissibility. Section 212(a)(6)(C)(ii)(I) of the Act, 8 U.S.C. § 1182(a)(6)(C)(ii)(I).

The record establishes that on January 29, 2001, the Applicant attempted to procure entry into the United States with a fraudulent U.S. passport; she was apprehended and subsequently removed from the United States on [REDACTED] 2001. The Applicant again attempted to procure entry to the United States with a fraudulent U.S. passport on April 17, 2001; she was apprehended and subsequently removed from the United States on [REDACTED] 2001. On appeal, the Applicant maintains that she did not make a false claim to U.S. citizenship in April 2001 and she told U.S. immigration that she was "from the Dominican Republic."

As detailed by the Director, the Applicant attempted to procure entry to the United States in April 2001 by presenting a fraudulent U.S. passport. The border agent referred the Applicant to secondary

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<sup>1</sup> The Applicant's Form I-485, Application to Register Permanent Residence or Adjust Status, was denied on the same basis.

inspection for further investigation. Upon being referred to secondary inspection, she admitted her true identity and admitted that she had purchased the fraudulent U.S. passport in the Dominican Republic. The Applicant did not retract her misrepresentation to the border agent but admitted she was not a U.S. citizen after she was referred to secondary inspection, when the disclosure of his misrepresentation was imminent. The Applicant did not make a timely retraction of her false claim to U.S. citizenship, and she is therefore inadmissible under section 12(a)(6)(C)(ii)(I) of the Act, for which no waiver is available.<sup>2</sup>

The record establishes that the Applicant knowingly presented a U.S. passport that was not hers on two separate occasions in 2001 in an attempt to enter the United States, and there is no evidence that she timely retracted the claims. As the Applicant is inadmissible to the United States under section 212(a)(6)(C)(ii) of the Act, for which no waiver is available, we need not address whether she has established extreme hardship to a qualifying relative or whether she merits a waiver as a matter of discretion.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> Even if the Applicant had not made a false claim to U.S. citizenship in April 2001, which is not the case as discussed by the Director and above, the record establishes that the Applicant also attempted to procure entry to the United States with a fraudulent U.S. passport in January 2001 and was removed as a result.